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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,	)	No. CR-09-00810 SBA
	)	
11 Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	HEARING DATE TO DECEMBER 8, 2009
12 v.	)	FOR JUDGMENT AND SENTENCING
	)	AND TO EXCLUDE TIME UNDER THE
13 LUIS ARGUIJO-RIVERA,	)	SPEEDY TRIAL ACT AND ORDER
	)	
14 Defendant.	)	Hearing Date: September 15, 2009
	)	Time: 9:00 a.m.
15	)	
16	)	

17 The above-captioned matter is set on September 15, 2009 before this Court for change of  
18 plea. The parties jointly request that the Court continue the matter to December 8, 2009 at 10:00  
19 a.m. for judgment, plea and sentencing, and that the Court exclude time under the Speedy Trial  
20 Act, 18 U.S.C. § 3161(h)(1)(G), between the date of this stipulation and December 8, 2009.

21 Mr. Arguijo is charged under 8 U.S.C. § 1326 as a deported alien found in the United  
22 States. The parties have reached a Federal Rule of Criminal Procedure 11(c)(1)(C) plea  
23 agreement in which the parties agree to a 4-level reduction in Mr. Arguijo's offense level  
24 pursuant to the government's early disposition program ("fast-track" program).

25 The parties request that the Court take the parties' proposed plea agreement under  
26 submission and, because it is a "fast-track" agreement, request that the Court refer this matter to

1 the United States Probation Office for a criminal history only pre-sentence investigation.

2 Defense counsel discussed the presentence investigation process with Mr. Arguijo, and  
3 he agrees to a pre-plea investigation. He also agrees to have the report disclosed to the Court  
4 before his plea of guilty. A signed consent to institute a pre-plea investigation will be sent to the  
5 probation office together with a referral to Probation from the Court.

6 If the Court agrees to take the parties' proposed agreement under submission, the parties  
7 agree that time should be excluded pursuant to 18 U.S.C. § 3161(h)(1)(G) based on the Court's  
8 consideration of the proposed plea agreement to be entered into by the defendant and the  
9 attorney for the Government. The parties will submit a copy of the plea agreement with the  
10 Court's courtesy copy of this stipulation. This document has not been e-filed.

11  
12 DATED: September 9, 2009

\_\_\_\_\_  
/S/  
DOMINIQUE THOMAS  
Assistant United States Attorney

13  
14 DATED: September 9, 2009

\_\_\_\_\_  
/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

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17  
18 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
19 "conformed" signature (/S/) within this e-filed document.  
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**ORDER**


Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that the parties have reached a Rule 11(c)(1)(C) agreement and have submitted that agreement to the Court for consideration;
2. Given that Mr. Arguijo has agreed to a pre-sentence investigation and to disclose the report before his plea of guilty;
3. Given that the parties' plea agreement contemplates a "fast-track" illegal reentry disposition; and
4. Given that the Court will take the proposed plea agreement under submission until the United States Probation Office can prepare a pre-plea Presentence Investigation Report;

Based on these findings, IT IS HEREBY ORDERED that this matter is referred to the United States Probation Office to prepare a criminal history only pre-plea Presentence Investigation Report. IT IS FURTHER ORDERED that the status date set for September 15, 2009, scheduled at 9:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and this matter is reset to December 8, 2009, at 10:00 a.m., for judgment, plea and sentencing.

IT IS FURTHER ORDERED that time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G), from the date of this Stipulation to December 8, 2009, based on the Court's consideration of the proposed plea agreement to be entered into by defendant and the attorney for the government.

DATED: 9/14/09

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge